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Commentaires supplémentaires:

Pagination is as follows: p. 255-266.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Sixth Day of *June*, 1770, in the Tenth Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. being the First Session of the Fifth GENERAL ASSEMBLY convened in the said Province.

C A P. I.

An ACT for the Settlement of the Poor in the several Townships within this Province.

~~WHEREAS~~ *HEREAS* it is necessary that the Poor in this Province should have some fixed Place of Settlement, to prevent their wandering about the Country, and that the Towns to which they do not properly belong, should not be put to the Expence of supporting them; Be it Enacted by the Governor, Council, and Assembly, That from and after the Publication hereof, no Town or Township within this Province, shall be obliged to maintain any poor Person or Persons, unless such Person or Persons be a Native of such Town or Township, or have served an Apprenticeship, or have lived as an hired Servant one whole Year, next before such Persons Application for Relief, or have executed some publick annual Office, or shall have been assessed and paid his or her Share of the Taxes for the Poor of such Place, or any publick Taxes during one whole Year, at one Time.

Eng. Stat. 43 Eliz. cap 2.

Preamble.

Description of Persons intitled to be maintained.

II. *And it is hereby declared and Enacted*, That every Person within the said Descriptions shall be intitled to a Settlement in the respective Towns or Townships wherein such Person or Persons shall be so qualified as aforesaid.

and intitled to a Settlement.

III. *And be it further Enacted*, That any Person or Persons who shall apply to the Overseers of the Poor for Relief, not having obtained a lawful Settlement in the Township, shall be required to declare on Oath before one of His Majesty's Justices of

Persons applying for Relief to declare their last Place of Residence.

Overseers of the Poor to remove Persons belonging to Township where they serve.

In default, 2 Justices by Warrant to cause such Persons to be removed,

And the Overseers to pay all Charges.

If such Overseers have not Money in their Hands, to stand charged therewith until next Assessment.

Two Justices to bind out Persons begging or strolling

Eng. Stat. 3. & 4 Will. & Mary, cap. 11.

Poor old blind, lame, and impotent Persons, to be relieved by their Parents or Children,

in Manner as by Sessions shall be ordered.

Eng. Stat. 5 Geo. 1. cap. 8.

the Peace for the said Township or County wherein such Township shall be, his, her or their last place of Residence; and if they are found to have gained any lawful Settlement within this Province, a true Copy of the said Declaration, attested by the said Overseers of the Poor, and certified by the said Justice of Peace, together with the Amount of Expence incurred, shall be transmitted to the Overseer of the Poor of the Township to which the said Person or Persons shall belong, and in case they refuse or neglect to remove the said Person or Persons, and pay the Expences incurred, it shall and may be lawful for any Two of His Majesty's Justices of the Peace for the County or Township where such Person or Persons have become chargeable, by a Warrant under their Hands and Seals, to cause him, her, or them to be removed to the Township where they last obtained a lawful Settlement, and the Overseers of the Poor are hereby required to receive such Person or Persons, and to pay such Sum and Sums of Money as shall have been necessarily expended as aforesaid, to the Overseers of the Poor of the Township from whence such Person or Persons have been removed; *Provided always*, That in case such Overseer or Overseers of the Poor, shall not have Money in their Hands wherewith to answer said Expence, such Overseer or Overseers shall stand charged therewith, until the next Assessment to be made on the Township to which such poor Person shall belong.

IV. *And be it also Enacted*, That it shall and may be lawful for any two of His Majesty's Justices of the Peace, on Complaint of the Overseers of the Poor, to bind out any Person or Persons, who shall be found begging or strolling about, for any Term not exceeding one Year.

V. *And be it also further Enacted*, That the Father and Grand-Father, Mother and Grand-Mother, and the Children and Grand-Children, severally and respectively, of every poor, old, blind, lame, and impotent Person, or other poor Persons not able to work, being of sufficient Ability, shall at his, her, or their Charges and Expences, relieve and maintain every such poor Person as aforesaid, in such Manner as the Justices of the Peace at their *General* or *Quarter Sessions* shall order and direct, on the Penalty of forfeiting and paying Five Shillings for each Person so ordered to be relieved, for every Week they shall fail therein, to be sued for, levied and recovered in the usual Manner, and to be applied for the Use of the Poor.

VI. And Whereas it sometimes happens, that Persons run away, or abscond from their Places of Abode and legal Settlement, and leave their Wives and Families a Charge to the Public; although such Persons may have some Estate real or personal, whereby the Place might be eased in whole or in Part, which is most just and reasonable; *Be it therefore Enacted*, That it shall and may be lawful for the Overseer or Overseers of the Poor of any Township within

within this Province, where any Husband or Father shall absent from, and forsake his Wife and Children, or any Widow shall absent from, and forsake her Children, and leave them a public Charge; to apply to two Justices of the Peace, and by Warrant under the Hands and Seals of the said two Justices, to take and seize the Goods and Chattels, and let out and receive the annual Rents and Profits of the Lands and Tenements of such Husband, Father, or Mother so absconding as aforesaid, for and towards the maintaining, bringing up, and providing for such Wife, Child, or Children so left as aforesaid, and so soon as the said Seizure shall be allowed of, and confirmed by the Justices in their *General* or *Quarter Sessions* of the Peace, it shall and may be lawful for the said Overseers, or any two of them from Time to Time, and as the Case may require, to sell and dispose of so much and so many of the said Goods and Chattels at Public Sale, to the highest Bidder, and to apply the Money arising thereby towards the Maintenance of such poor Family so left as aforesaid.

Lands, Tenements and Effects of Parents or Husbands leaving their Children or Wives, liable to be taken for their Maintenance.

Overseers of the Poor to apply to 2 Justices.

Seizure to be allowed by Sessions.

Overseers then to sell and dispose of Goods and Chattels for that Purpose.

VII. *And be it further Enacted*, That in case of the Death of the Parents of any Child or Children, who have gained a Settlement in any Township as aforesaid, all and every such Child or Children, shall be supported by such Town or Township wherein the Parents so gained a Settlement.

Children of Parents deceased, who have gained a Settlement, to be supported.

VIII. *And be it Enacted*, That if any Town or Township, or Person or Persons whatsoever, shall think themselves aggrieved by any Proceedings had in Virtue of this Act, such Town or Township, Person or Persons, may appeal for Redress to the next *General* or *Quarter Sessions* of the Peace held for the County wherein such Town or Township shall be, or wherein such Person or Persons shall reside; and the Justices thereof are hereby required and empowered to hear and determine all and every such Appeal or Complaint, and to give Redress as they in their Judgment shall think equitable, and such their Order and Judgment shall be final and bind all Parties.

Townships or Persons aggrieved may appeal to the Sessions.

C A P. II.

An Act in further Amendment of and Addition to an Act made in the third Year of His present Majesty's Reign, intituled *An Act to enable the several Townships within this Province to maintain their Poor.*

3 Geo. 3. cap. 7.



HERE AS the restraining the Inhabitants of the several Townships in this Province, to meet only once a Year in order to make Provision for their Poor, is found very inconvenient; Be it Enacted by the Governor, Council, and Assembly, That

Preamble.

Inhabitants to hold two Meetings, if necessary, every Year, on 1st Monday of *April*, & 1st Monday in *November*. If Business not completed on those Days, to adjourn to one other Day.

That from and after the Publication of this Act, it shall and may be lawful for the said Inhabitants to hold two Meetings annually, if necessary, to make Provision for their Poor, and that the Time for holding the said Meetings shall be on the first Monday in *April*, and on the first Monday in *November*, and in case the Business to be transacted at the said Meetings cannot be completed on the said Days, it shall and may be lawful for the Chairman, with the Consent of the Majority of the Freeholders then present, to adjourn the same to the Day following, or to one other Day; any Law, Usage, or Custom to the contrary in any wise notwithstanding.

If Money voted for Poor at first Meeting is not sufficient, the Freeholders may vote a further Sum.

II. *And be it also Enacted*, That if the Money voted for the Support of the Poor for the current Year should not be sufficient for that Purpose, the said Freeholders in such their next Meeting shall be, and they are hereby impowered to vote such further Sums as shall be thought necessary to make good such Deficiency.

Overseers to account to Sessions.

III. *And be it further Enacted*, That the Overseers of the Poor shall for the future account on Oath, if required, before the *General Sessions* of the Peace held next after the Expiration of their Office, for all Monies raised and disbursed by them for the Support of the Poor.

Assessment in all Townships (*Halifax* excepted) by five Freeholders.

IV. And Whereas the appointing twelve Assessors for assessing the Sums voted for the Support of the Poor, is in many respects found inconvenient: *Be it Enacted*, That for the future the said Assessments shall be made in the several Townships (*Halifax* excepted) by five Freeholders, and no more; any Law, Usage, or Custom to the contrary notwithstanding.

In Case of Refusal of Freeholders to meet, & provide for Poor, the Justices in their General Sessions to amerce the Township.

V. *And be it also Enacted*, That in case of the Neglect or Refusal of the Freeholders of any Township to meet and make Provision for their Poor, as is directed in and by this Act, the Justices of the Peace, in the *General Sessions* held for the County wherein such Township shall be, shall on the Application of the Overseers of the Poor, amerce such Township in such a Sum as shall appear to them to be necessary for the Purposes aforesaid, and shall appoint five Freeholders for assessing the same in the several Townships, (*Halifax* excepted) and the Sum so amerced shall be levied, paid, and applied for the Support of the Poor of such Township; and if the said Assessors so appointed shall refuse or neglect to serve in the said Office, they shall be subject to a Fine of Forty Shillings each, for the Use of the Poor, which shall, on Failure of Payment, be levied by a Warrant of Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting, and others shall be appointed in their stead.

Assessors refusing or neglecting to serve, to pay 40s.

and others appointed.

VI. And Whereas in and by an Act made in the Eighth Year of His present Majesty's Reign, intituled *An Act in further Addition*

to, and Amendment of an Act made in the Third Year of His present Majesty's Reign, intituled *An Act to enable the Inhabitants of the several Townships within this Province to maintain their Poor*. The Fine imposed on the Overseers of the Poor for neglecting to issue their Precepts to the Constables of the several Townships, requiring them to notify the Inhabitants to meet on the Day appointed by the said Act, and make Provision for the Support of the Poor, is directed to be paid to the Treasurer of the Province; *Be it Enacted*, That the said Fine shall for the future be paid to the Treasurer of the County, for the Use of the Poor of the Township for which such Overseers so neglecting shall be appointed, and that the said Precept shall have respect to the Days appointed by this Act.

Fine on the Overseers of the Poor for neglecting to issue Precept for Meeting of the Inhabitants, to be paid to the County Treasurer.

Precept for notifying the Inhabitants to be agreeable to this Act.

VII. *And be it also Enacted*, That the Overseers of the Poor in every Township, shall enter their Proceedings in a Book to be kept for that Purpose, and at the Expiration of their Office, they shall deliver the same to their Successors.

Overseers of the Poor to enter their Proceedings in a Book.

C A P. III.

An Act to enable the several Counties within this Province to raise Money for Payment of their Representatives.

~~WHEREAS~~ *HEREAS* it is necessary that Provision should be made for defraying the Expence of the Attendance of the Representatives in General Assembly; *Be it Enacted by the Governor, Council, and Assembly*, That there shall be paid out of the Monies assessed, levied, and raised, in Manner as is hereinafter directed, to such of the Representatives as shall think proper to apply for the same, at the Rate of Five Shillings per Day for each Day during their Attendance in *General Assembly*, and for the Time necessarily expended in the journeying to and from thence.

Preamble:

Such Representatives as apply for the same to have 5s. per Day during their Attendance, and coming and going.

II. *And be it also Enacted*, That the Grand Juries at the Courts of *General Sessions of the Peace* held for the several Counties in this Province, next after each Session of the *General Assembly*, shall make Presentment upon the Application of the Representatives serving for such County and the Townships within the same, or any of them (except such Townships as shall have Power to hold a *Special Sessions of the Peace*) of all such Sum and Sums of Money as shall appear to be due to such Representatives so applying, for so many Days at the Rate aforesaid, as shall be certified by the Speaker of the *House of Assembly*, to be due to them for their Services in *General Assembly*, and the said Sums shall be raised, levied, and paid in Manner and Form, as is directed in and by an Act made in the Fifth Year of His present Majesty's Reign, intituled *An Act*

Manner of raising, levying, & collecting Money for that Purpose.

3. Geo. 3. cap. 6.

for the raising Money by Presentment on the several Counties in this Province, for the defraying certain County Charges therein mentioned.

Townships who hold Special Sessions to raise Money for such Townships.

III. And be it Enacted, That for such Towns as have or shall hereafter have Power to hold a Special Sessions of the Peace, the Grand Juries at such Special Sessions, shall present such Sums as shall be applied for by the Representatives serving for such respective Townships, and the Sums so presented shall be raised, levied, and applied in like Manner as if the same had been presented by the Grand Jury of the County.

Money to be paid by County or Township Treasurer when received.

IV. And be it further Enacted, That the Sums so levied shall be paid by the Treasurers of the Counties, or of the Townships respectively, to such of the said Representatives as shall have applied for the same as aforesaid, on such Treasurer's receiving the said Monies from the several Collectors.

Collectors to pay Money they collect to the Treasurers in one Month,

V. And be it also further Enacted, That the several Collectors appointed as is directed in and by the aforesaid Act, shall within one Month after receiving the Assessment, collect and pay to the Treasurers aforesaid, the Sum specified in such Assessment, and if such Collector shall neglect so to do, he shall forfeit and pay the Sum of Forty Shillings, to be recovered by any one of the Parties injured thereby, on Complaint before any two of His Majesty's Justices of the Peace, and be paid to the Overseers of the Poor, for the Use of the Poor of the Township for which such Collector shall be appointed.

on Forfeiture of 40s.

to the Use of the Poor.

C A P. IV.

An Act for regulating the Commons belonging to the several Townships in this Province.

Preamble.

HERE AS it is necessary, that some Regulations should be made respecting the Tracts of Land set apart for Common, in the several Townships in this Province;

Justices in Sessions to make Regulations for the several Townships in respect to the Commons.

I. Be it Enacted by the Governor, Council, and Assembly, That the Justices in their several General Sessions of the Peace, to be held for the several Counties in this Province, shall from Time to Time affix and settle such Regulations as they may think most proper and convenient to be observed and followed by the Inhabitants in the several Townships within such County, and such Regulations so made, affixed, and settled, shall be and are hereby declared to be the stated Rules to be kept, observed, and followed, by the Inhabitants of each respective Township, in regard to the Common belonging to the same.

II. And

II. *And be it also Enacted*, That if any Person shall transgress any such Rules and Regulations so to be settled and affixed, or shall neglect or refuse to obey the same, such Person shall forfeit and pay a Fine not exceeding Forty Shillings for every such Offence, and in case such Offender shall refuse or neglect to pay the Fine, then it shall and may be lawful for any Two of His Majesty's Justices of the Peace, to grant a Warrant of Distress for levying the same in the usual Manner, one Half to be to the Person complaining, and the other Half for the Use of the Poor of the Township where the Offence shall be committed, and in default of such Distress, to commit such Offender for any Space not exceeding ten Days.


Penalty on such as transgress the Regulations so made;

how to be applied,

in default of Payment, to be committed to Goal.

C A P. V.

An Act for establishing the Rate of Interest.

 *Be it Enacted by the Governor, Council, and Assembly*, That no Person or Persons whatsoever, upon any Contract which shall be made, shall take directly or indirectly, for Loan of any Monies, Wares, Merchandize, or other Commodities whatsoever, above the Value of Six Pounds; for the Forbearance of One Hundred Pounds for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time; and that all Bonds, Contracts, and Assurances whatsoever, for Payment of any Principal or Money to be lent or covenanted to be performed upon or for any Usury, whereupon or whereby there shall be reserved or taken above the Rate of Six Pounds in the Hundred as aforesaid, shall be utterly void, and that all and every Person or Persons whatsoever, which shall, upon any Contract to be made, take, accept, and receive, by Way or Means of any corrupt Bargain, Loan, Exchange, Chevizance, Shift, or Interest of any Wares, Merchandize, or other Thing or Things whatsoever, or by any deceitful Way or Means, or by any Covin, Engine, or deceitful Conveyance, for the forbearing or giving Day of Payment for One whole Year, of and for their Money or other Thing, above the Sum of Six Pounds for the forbearing of One Hundred Pounds for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time, shall forfeit and lose for every such Offence, the treble Value of the Monies, Wares, Merchandize, and other Things so lent, bargained, exchanged, or shifted; one Moiety thereof to be to the King's most Excellent Majesty, His Heirs and Successors, for the public Use of this Province, and the Support of the Government thereof, and the other Moiety to him or them that will sue for the same in any of His Majesty's Courts of Record in the same County where the Offence shall be committed, and not elsewhere, by Action of Debt, Bill, Plaint, or Information, in which no Effoign, Wager of Law, or Protection shall be allowed.

Erg. Stat.
37. Hen. 8. cap. 9.

No greater Interest than 6 per Ct. per Annum to be taken;

if more is taken, Bonds, Contracts, &c. to be void;

Persons who shall take more on any other Contract for Goods, &c.

to forfeit treble Value;

Application of the Penalty,

how to be recovered.

II. *Provided*,

Exceptions.

II. *Provided*, That nothing in this Act shall extend or be construed to extend to any Specialty, Hypothecation, Instrument or Agreement in Writing, that shall be made, entered into, or executed, for any Money lent or advanced, upon the Bottom of any Ship or Vessel, any Thing to the contrary notwithstanding.

Proviso that all Contracts, &c. upon Loan at Interest heretofore made, shall be good.

III. *Provided also*, That all Contracts and Agreements upon Loan at Interest upon any other Rate heretofore made than is prescribed by this Act, shall be good, valid, and effectual to all Intents and Purposes whatsoever, in the same Manner as if this Act had not been made.

C A P. VI.

An Act to alter the Manner of proceeding against certain Offenders, mentioned in an Act made in the 32d Year of His late Majesty's Reign, intituled *An Act for punishing Criminal Offenders*.

32. Geo. 2. cap. 20.

Preamble.

***** HERE AS in and by the fifteenth Section of an Act made
* W * in the thirty second Year of His late Majesty's Reign, intituled
* * * * * " An Act for punishing Criminal Offenders," certain
* * * * * Fines and Penalties are prescribed for Libels and other Offences therein mentioned; and whereas the Manner of prosecuting such Offenders has been found oppressive;

Manner of proceeding against Persons publishing Libels, &c. altered.

Be it Enacted by the Governor, Council, and Assembly, That for all such Offences as are recited in the Section aforesaid, the Party grieved shall not proceed against such Offenders before Justices of the Peace, but by Suit only, in any of His Majesty's Courts of Record, and that no other Penalties shall hereafter be inflicted for such Offences, except such as are usually inflicted in Courts of Record, in Cases of Criminal Prosecution for the same; any Thing in the said Section to the contrary notwithstanding.

Suit to be in a Court of Record.

C A P. VII.

An Act for altering the Times of holding the Courts of General Sessions, and Inferior Courts of Common Pleas at *Liverpool*, in the County of *Queen's County*.

Preamble:

***** HERE AS in and by an Act made in the seventh Year
* W * of His present Majesty's Reign, intituled An Act for regulating the Times and Places for holding the several
* * * * * Courts of Justice therein named; it is Enacted, That
the

Courts of General Sessions of the Peace, and Inferior Courts of Common Pleas shall be held for Queen's County in the Town of Liverpool, on the First Tuesday of February, and on the Third Tuesday of September; and whereas the holding the said Courts at those Times has been found inconvenient;

Be it Enacted by the Governor, Council, and Assembly, That the said Courts shall be held for the future, on the Second Tuesday of April, and Second Tuesday of November, in every Year, any Law, Usage, or Custom to the contrary notwithstanding.

Courts of General Sessions of the Peace and Inf. Court of Common Pleas to be held at Liverpool on the 2d Tuesday of April, and 2d Tuesday of October.

C A P. VIII.

An Act for establishing the Toll to be taken at the several Grist-Mills in this Province.

~~Whereas~~ *Be it Enacted by the Governor, Council, and Assembly, That*
B *the Toll to be taken by every Miller for grinding Wheat, Rye, Barley, Oats, and Indian Corn, shall be One Sixteenth Part, and no more, to be ascertained by a sealed Measure.*

Toll for Grinding Wheat, Rye, Barley, Oats, and Indian Corn, to be 1-16th.

II. *And be it also Enacted, That if any Miller shall take any greater Toll than is herein directed to be taken, he shall forfeit and pay the Sum of Forty Shillings, to be paid to the Overseers of the Poor of the Township wherein the Offence shall be committed, or of the Township most contiguous thereto, for the Use of the Poor, and be recovered before two of His Majesty's Justices of the Peace, and the Amount of the Value of so much Grain or Meal as shall have been taken more than the Toll herein prescribed, shall also be recovered in like Manner.*

Millers taking greater Toll, to forfeit 40s. For the Use of the Poor, and recover'd before 2 Justices. Value of Grain taken more, to be recovered in like Manner.

III. *Provided always, That no Miller shall be obliged to receive and grind any Corn or Grain which shall not be clean, dry, and in good Order.*

Millers not obliged to grind Grain not clean, dry, and in good Order.

C A P. IX.

An Act for altering and amending an Act made in the first Year of His present Majesty's Reign, intituled *An Act for prohibiting the Exportation of Raw Hides, Sheep or Calf Skins out of this Province, other than for Great Britain, and to prevent the cutting, splitting, or flawing of Hides.*

1st Geo. 3. Cap. 12.

Preamble.

*W*HEREAS in and by an Act made in the first Year of His present Majesty's Reign, intituled An Act for prohibiting the Exportation of Raw Hides, Sheep or Calf Skins out of this Province, other than for Great Britain, and to prevent the cutting, splitting, or flawing of Hides; it is provided, That when the current Price of Raw Hides, such as Ox, Bull, Steer, or Cow, shall be under three Halfpence per Pound, the same may be exported to any of His Majesty's Plantations; which has proved a great Grievance.

Ox, Bull, Steer, or Cow Hides may be exported to the Plantations when the Price is 3d per lb. or under.

Be it Enacted by the Governor, Council, and Assembly, That from and after the Publication of this Act, it shall and may be lawful for any Person or Persons to export to any of His Majesty's Plantations, any such Raw Hides as abovementioned, when the Price of such Hides shall be three Pence per Pound or under.

C A P. X.

An Act for the Benefit of the Fishery on the Coasts of this Province.

Preamble.

***** *W*HEREAS it is apprehended that the frequent Scarcity of Fish on the Banks near the Shores of this Province, may be occasioned by Fishermen throwing into the Sea the Offal of the Fish they kill; For Remedy whereof,

No Heads, Bones, or other Offal of Fish to be thrown into the Sea within 3 Leagues of the Shore.

Master to forfeit £5.

Conviction before One Justice, or by his own View,

I. Be it Enacted by the Governor, Council, and Assembly, That from and after the Publication hereof, if any Fisherman in any Vessel, Bark, or Boat, shall presume to throw into the Sea within three Leagues of any of the Shores of this Province, any Heads, Bones, or other Offal of the Fish they may take, the Master of such Fishing Vessel, Bark, or Boat, shall, upon due Conviction thereof, by the Oath of one credible Witness, before any one of His Majesty's Justices of the Peace, or by the View of the said Justice, pay for each and every such Offence the Sum of Five Pounds,

II. And

II. *And be it further Enacted*, That all Penalties incurred and arising by this Act, shall be applied one Moiety to the Person who shall inform and sue for the same, the other Moiety to be paid into His Majesty's Treasury for the Use of the Province, the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with the Charges of such Distress and Sale, rendering the Overplus (if any be) to the Owner or Owners thereof.

Half to the Person informing and suing, Half to His Majesty for the Use of the Province.

III. *Provided nevertheless*, That nothing in this Act shall extend to the debarring any Fishermen in Boats, who split and dress their Fish on Shore, from throwing the Offal of their Fish into what is called the Land-Wash.

Boats who split and dress Fish on Shore, may throw Offal into Land Wash.

